



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Harry Knox
State Board of Control
Austin, Texas

Dear Mr. Knox:

Opinion No. O-2423

Re: Matter of payment of claims
by the Board of Control out
of the Special Centennial
Fund created by H. B. No.
11, Regular Session 44th
Legislature, 1935.

This will acknowledge receipt of your letter of
date May 28, 1940, as follows:

"The State Board of Control has
been presented with a claim for payment
in the amount of \$985.35 by the City of
San Antonio, this claim representing
certain street repairs and electrical
work performed or paid for by said City
of San Antonio in connection with, and
necessitated by, the erection by the
Board of Control of the Conotaph to the
Heroes of the Alamo in said City of San
Antonio. The funds for the erection of
this project were provided by the Special
Centennial Fund first set up and appro-
priated by Section 1 of Chapter 174, Acts
of the Regular Session of the Forty-
fourth Legislature, and the claim here
in question is made against said Special
Centennial Fund.

"Hereto attached for your informa-
tion are a copy of the Ordinance of the
City of San Antonio providing for re-
lease of this claim, the release itself,
and an itemization of the claim.

"Your valued opinion is respectfully requested on the following questions:

"1. Does the State Board of Control have the authority to pay the above-described claim of the City of San Antonio from the Special Centennial Fund above mentioned?

"2. If your answer to question No. 1 is 'no', on what date did the authority of the State Board of Control to make payments out of the Special Centennial Fund terminate?"
Section 6 of House Bill No. 11, Chap. 174 of the Regular Session of the 44th Legislature (1935) provides:

"All expenditures and contracts authorized by the Commission of Control shall be made, let, supervised and expended by the Board of Control of the State of Texas, according to all legal requirements now provided as to the expenditure of funds and the letting of contracts by said Board of Control."

You are respectfully advised that if the payment requested for the items involved in the claim under consideration are for expenditures and contracts duly authorized by the Commission of Control as set up by H. B. No. 11, and that the supplies, services and items thus contracted for have been received, then the Board of Control does have authority in the usual and customary way to pay the claim in the manner set out in Section 8 of the Act (H.B. No. 11) that is, "by warrants properly signed by the Comptroller of Public Accounts and the Treasurer of the State of Texas," such warrant, of course, to be paid only out of the Special Centennial Fund set up by H. B. No. 11, Chap. 174, Regular Session, 44th Legislature.

We are of the opinion, however, the attached claims do not show that the items for which payment is

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requested were ever authorized by the Commission of Control, as required by Section 6 of the Act above quoted, for which reason you should not approve the claims for payment without further proof in this respect.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

(s) Ocie Spear
Assistant

OS-MR

APPROVED JUN 11, 1940
(s) Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
By B.W.B. Chairman